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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 CAROL BURK and AUTUMN BURK,

12 Plaintiffs,

13 v.

14 CONTEMPORARY HOME SERVICES, INC.,  
15 et al.,

16 Defendants.

CASE NO. C06-1459RSM

ORDER ON ATTORNEYS' FEES  
REQUEST

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18 On June 6, 2007, the Court denied plaintiffs motion to compel, and directed defendants to file a  
19 declaration and supporting documentation regarding attorneys' fees and expenses incurred in opposing  
20 the unsuccessful motion, pursuant to F.R.Civ. Proc. 37(a)(4)(B). Dkt. # 36. Plaintiffs were given an  
21 opportunity to show cause why they should not be required to pay the amount requested. The fee  
22 request and response have now been filed. Dkt. ## 37, 42. Upon review of the request, the Court finds  
23 that the amount requested is excessive, and shall reduce it as set forth below.

24 Defendants have requested a total of \$7,433.50 in attorneys' fees, representing work by a partner,  
25 a senior associate, and a junior associate. The Court finds that issues presented by the motion to compel  
26 were not complex, and did not require work by three attorneys, some of which must be duplicative. The

27 ORDER ON ATTORNEYS' FEES REQUEST

1 opposition response was actually drafted by the senior associate, and research was conducted by the  
2 junior associate. Therefore, time spent by partner Patrick Madden will not be included in the fee award.  
3 The Court also finds that time spent prior to the filing of the motion may not be included. Finally, the  
4 11.5 hours spent by the senior associate in drafting the opposition appear to be excessive in light of the  
5 relative simplicity of the issues presented. The Court will therefore allow eight hours for the senior  
6 associate's time in reviewing the motion and drafting the opposition, as well as five hours for the junior  
7 associate's time spent in research. The hourly rates claimed for these two attorneys, \$295 for the senior  
8 associate and \$215 for the junior associate, are reasonable. The award for attorneys' fees is set at \$2360  
9 for the senior associate and \$1075 for the junior associate, for a total of \$3435.

10 As for the expenses claimed, the Court finds that photocopying costs for a copy to be sent to the  
11 client are not expenses "reasonably incurred" in opposing the motion. Nor have defendants adequately  
12 explained how converting a file to PDF for electronic filing is a photocopying cost. These expenses will  
13 not be allowed. Finally, the \$450.04 claimed as "Lexis research costs" is not adequately supported;  
14 defendants have not presented a bill or otherwise demonstrated that this amount was actually charged by  
15 Lexis for the time spent on this research. Therefore, none of the claimed costs shall be allowed.

16 The Court accordingly awards defendants a total of \$3435 for attorneys' fees reasonably incurred  
17 in opposing the motion to compel. Plaintiffs shall pay this amount to defendants within twenty days of  
18 the date of this Order.

19 Dated this 1<sup>st</sup> day of August, 2007.

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21 RICARDO S. MARTINEZ  
22 UNITED STATES DISTRICT JUDGE  
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27 ORDER ON ATTORNEYS' FEES REQUEST